

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance Rhode Island General Laws (RIGL) 42-35, notice is hereby given that the Executive Office of Health and Human Services proposes to amend the following OHHS rule:

**MEDICAL ASSISTANCE PROGRAM
SECTION 0330: INCOME GENERALLY**

Effective April 1, 2013, the Medical Assistance policy will be amended to reflect the 2013 changes in the Federal Poverty Level guidelines and to update Medical Assistance policy to reflect the 2013 cost of care figures.

In the development of these rules, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

In Accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

This proposed rules is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the OHHS website (www.ohhs.ri.gov) or available in hard copy upon request (401 462-2018 or RI Relay, dial 711). Interested persons should submit data, views or written comments by Saturday, March 10, 2013 to Kimberly Merolla-Brito, Office of Policy Development, RI Department of Human Services, Louis Pasteur Building, 57 Howard Avenue Fl # 1, Cranston, RI 02920.

The Executive Office of Health and Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.

0330 INCOME GENERALLY

0330.05 INCOME STANDARDS - FAMILIES

REV: ~~02/2013~~04/2013

FAMILY INCOME ELIGIBILITY STANDARDS

Income eligibility will exist if the family's countable monthly income does not exceed the appropriate limit for the family size.

Family size includes an unborn; if medical documentation shows multiple births are expected, add as documented.

FAMILY CATEGORICALLY NEEDY MONTHLY INCOME LIMITS

1 Person	\$ 327.00	5 Persons	\$ 714.00
2 Persons	449.00	6 Persons	794.00
3 Persons	554.00	7 Persons	874.00
4 Persons	634.00	8 Persons	954.00

MEDICALLY NEEDY MONTHLY INCOME LIMITS

1 Person	\$ 842.00	5 Persons	\$ 1,400.00
2 Persons	883.00	6 Persons	1,575.00
3 Persons	1,092.00	7 Persons	1,733.00
4 Persons	1,250.00	8 Persons	1,908.00

~~2012-2013~~ FEDERAL POVERTY LEVEL MONTHLY INCOME GUIDELINES

100% OF FEDERAL POVERTY LEVEL INCOME GUIDELINES FOR TITLE XIX CHILD BORN AFTER SEPTEMBER 30, 1983, WHO HAVE ATTAINED THEIR SIXTH (6TH) BIRTHDAY, BUT HAVE NOT ATTAINED THEIR NINETEENTH (19TH) BIRTHDAY.

1 Person	\$ 930.83 957.50	5 Persons	\$ 2,250.83 2,297.50
2 Persons	1,260.83 1,292.50	6 Persons	2,580.83 2,632.50
3 Persons	1,590.83 1,627.50	7 Persons	2,910.83 2,967.50
4 Persons	1,920.83 1,962.50	8 Persons	3,240.83 3,302.50

110% of FEDERAL POVERTY LEVEL INCOME GUIDELINES FOR SECTION 1931 FAMILIES

1 Person	\$ 1,023.91 1,053.25	5 Persons	\$ 2,475.91 2,527.25
2 Persons	1,386.91 1,421.75	6 Persons	2,838.91 2,895.75
3 Persons	1,749.91 1,790.25	7 Persons	3,201.91 3,264.25
4 Persons	2,112.91 2,158.75	8 Persons	3,564.91 3,632.75

133% OF FEDERAL POVERTY LEVEL INCOME GUIDELINES FOR TITLE XIX CHILD WHO HAVE ATTAINED THEIR FIRST (1ST) BIRTHDAY, BUT HAVE NOT ATTAINED THEIR SIXTH (6TH) BIRTHDAY.

1 Person	\$ 1,238.01 <u>1,272.81</u>	5 Persons	\$ 2,993.61 <u>3,055.68</u>
2 Persons	1,676.91 <u>1,719.03</u>	6 Persons	3,432.51 <u>3,501.23</u>
3 Persons	2,115.81 <u>2,164.58</u>	7 Persons	3,871.41 <u>3,946.78</u>
4 Persons	2,554.71 <u>2,610.13</u>	8 Persons	4,310.31 <u>4,392.33</u>

150% OF THE FEDERAL POVERTY INCOME GUIDELINES - RELATED TO COST SHARE REQUIREMENTS FOR RITE CARE AND RITE SHARE FAMILIES (See Section 0348.40 and 0349.10.20.15)

1 Person	\$ 1,396.25 <u>1,436.25</u>	5 Persons	\$ 3,376.25 <u>3,446.25</u>
2 Persons	1,891.25 <u>1,938.75</u>	6 Persons	3,871.25 <u>3,948.75</u>
3 Persons	2,386.25 <u>2,441.25</u>	7 Persons	4,366.25 <u>4,451.25</u>
4 Persons	2,881.25 <u>2,943.75</u>	8 Persons	4,861.25 <u>4,953.75</u>

175% OF THE FEDERAL POVERTY INCOME GUIDELINES - RELATED TO COST SHARE REQUIREMENTS FOR RITE CARE AND RITE SHARE FAMILIES (See Section 0349.10.20.15)

1 Person	\$ 1,628.96 <u>1,675.63</u>	5 Persons	\$ 3,938.96 <u>4,020.63</u>
2 Persons	2,206.46 <u>2,261.88</u>	6 Persons	4,516.46 <u>4,606.88</u>
3 Persons	2,783.96 <u>2,848.13</u>	7 Persons	5,093.96 <u>5,193.13</u>
4 Persons	3,361.46 <u>3,434.38</u>	8 Persons	5,671.46 <u>5,779.38</u>

185% OF FEDERAL POVERTY LEVEL INCOME GUIDELINES FOR TITLE XIX WAIVER FAMILIES, CHILDREN UNDER ONE (1) YEAR OF AGE, AND PREGNANT WOMEN.

1 Person	\$ 1,722.04 <u>1,771.38</u>	5 Persons	\$ 4,164.04 <u>4,250.38</u>
2 Persons	2,332.54 <u>2,391.13</u>	6 Persons	4,774.54 <u>4,870.13</u>
3 Persons	2,943.04 <u>3,010.88</u>	7 Persons	5,385.04 <u>5,489.88</u>
4 Persons	3,553.54 <u>3,630.63</u>	8 Persons	5,995.54 <u>6,109.63</u>

250% OF FEDERAL POVERTY LEVEL INCOME GUIDELINES FOR RITE CARE PREGNANT WOMEN, NEWBORNS AND CHILDREN UNDER NINETEEN (19) YEARS OF AGE.

1 Person	\$ 2,327.08 <u>2,393.75</u>	5 Persons	\$ 5,627.08 <u>5,743.75</u>
2 Persons	3,152.08 <u>3,231.25</u>	6 Persons	6,452.08 <u>6,581.25</u>
3 Persons	3,977.08 <u>4,068.75</u>	7 Persons	7,277.08 <u>7,418.75</u>
4 Persons	4,802.08 <u>4,906.25</u>	8 Persons	8,102.08 <u>8,256.25</u>

350% OF FEDERAL POVERTY LEVEL INCOME GUIDELINES FOR STATE FUNDED RITE CARE PREGNANT WOMEN.

1 Person	\$ 3,257.91 <u>3,351.25</u>	5 Persons	\$ 7,877.91 <u>8,041.25</u>
2 Persons	4,412.91 <u>4,523.75</u>	6 Persons	9,032.91 <u>9,213.75</u>
3 Persons	5,567.91 <u>5,696.25</u>	7 Persons	10,187.91 <u>10,386.25</u>
4 Persons	6,722.91 <u>6,868.75</u>	8 Persons	11,342.91 <u>11,558.75</u>

0330.10 INCOME DEFINITIONS

REV:07/1994

INCOME is the receipt of money, goods, or services to meet need.

It must be both available and computable. Income is considered available when it is actually available, or when the applicant/recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. The income must be under the control of the individual during the period for which need is being determined, or can be available, should action be taken by the individual to obtain it.

Certain types of income are EXCLUDED, i.e. not considered, under Medical Assistance rules. (See section 0330.20). Furthermore, portions of income may be DISREGARDED (deducted) before arriving at the family's COUNTABLE income. Once it is determined, the family's countable income is compared to the appropriate standard. If countable income is equal to or less than the standard, eligibility exists. If countable income exceeds the standard, eligibility is not established for Poverty Level and Categorically Needy, but Medically Needy eligibility may be possible via a spend down.

0330.15 DOCUMENTATION OF INCOME

REV:07/1994

The income information provided by the applicant on the DHS-2 must be verified. Documentation sources are business records, wage stubs, income tax returns, award letters, reports from Social Security, Veterans' Administration, and other agencies. In some instances, when the applicant is unable to obtain the information requested, Departmental forms (Wage Report, AP-50; Bank Clearance, AP-91; Clearance with VA, AP-150 and AP-151) are used. When an applicant appears potentially eligible for another program such as RSDI, ESB, TDI or VA benefits, s/he is required to file for such ben

0330.20 EXCLUDED INCOME

REV:01/2002

In determining eligibility for family-related MA coverage, the following kinds of income are excluded:

- o The value of U.S. Department of Agriculture donated foods;
- o Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- o Any grant or loan for an undergraduate student for educational purposes made or insured under any programs administered by the U.S. Commissioner of Education;
- o Payments distributed per capita to, or held in trust for, members of any Indian tribe under Public Law 92-254, Public law 93-134 or Public law 94-540;
- o Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;
- o Payments for supportive services or reimbursement of out-of-pocket

foster grandparents, senior health aides or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973;

- o Payments to individual volunteers under Public Law 96-143, the Domestic Volunteer Service Act of 1979, which governs the Volunteers in Service to America (VISTA) Program, unless the total of said payments, when the number of hours served is considered, equals or exceeds the Federal minimum wage. (Implementation of the qualified VISTA exclusion is on abeyance pending clarification of Federal regulations. Therefore, until further notice, all VISTA payments are totally excluded);
- o The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Fund Act, as amended, (Public Law 92-433 and Public Law 93-150);
- o Payments of Experimental Housing Allowance Program made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;
- o Receipts distributed to members of certain Indian tribes which are referred to in Section 5 of Public Law 94-114 that became effective October 17, 1975;
- o Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act, Public Law 92-203;
- o Foster care payment paid by the Department for Children, Youth and Families;
- o The value of food stamp benefits;
- o The value of government rent and/or housing subsidies;
- o Income from college work study programs;
- o Funds awarded under PL 98-123 to the Red Lake Band of Chippewa Indians;
- o Funds awarded under PL 98-124 to the Assiniboine Tribe of the Fort Belknap Indian Community, and the Assiniboine Tribe of the Fort Peck Indian Reservation;
- o Up to the first \$50 per calendar month collected for or received by an assistance unit and representing either payment on a current monthly support obligation or a voluntary support payment;
- o The earned income of a dependent child who is a full-time student; if the child is a part time student, earnings will be

disregarded as long as the child is not a full time employee;

- o For six (6) months per calendar year, a dependent child's earned income derived from a JTPA program;
- o A transportation allowance paid under the auspices of a work or training program, such as Pathways program, Employment Search, or a JTPA program;
- o In accordance with PL 100-485, the refund of taxes under the earned income tax credit (EITC), or the advance payment of the EITC;
- o Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.

0330.25 EARNED INCOME

REV:01/2002

Earned income is the receipt of wages, salary, commissions, or profit from activities in which the applicant is engaged as a self-empl when it is received (or would have been received except for the decision of the recipient to postpone receipt) rather than when earned. It includes earnings over a period of time for which settlement is made at one given time. Income which the individual produces as a result of service, including managerial responsibilities, is classified as earned income. (Examples are income from a lodger or boarder and income from real estate property).

Earned income does not include returns from capital investment with respect to which the individual is not actively engaged, such as dividends and interest. It also does not include benefits such as individual pensions, RSDI, UCB, TDI or Veterans' Benefits.

0330.25.05 Earned Income From Wages

REV:01/2002

Any legal attachment on wages is considered unavailable and not counted. Under current law, the first \$50 of any pay is exempt from attachment, and no attachment can be placed on the wage of a current or former RI Works (RIW) recipient for one (1) year following the termination of assistance. If an attachment exists, the recipient is referred to Rhode Island Legal Services.

0330.25.10 Earned Income From Self-Employment

REV:07/1994

When a business is carried on at home, no part of the overhead is considered as a business expense, except as specified in Section 0330.25.10.05. Those self-employed work expenses directly related to producing the goods or services and without which the goods or services could not be produced shall be excluded.

However, items such as depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods are not excluded.

Income considered from self-employment is the difference between the amount of gross receipts and the amount of allowable operating expenses incurred in producing the income.

0330.25.10.05 Payment for Providing Child Care Services

REV:07/1994

Income received by providing child care services is considered earned income from self-employment. The income must be verified from information provided by the applicant/recipient.

For purposes of this section, child care services are defined as any care of a child or incapacitated adult for which the provider receives payment, whether by a public or private agency or a private party. The provider need not be a licensed Day Care Mother.

Casual baby-sitting, for which the baby sitter is paid, qualifies as "child care services".

Expenses of earning such income are deductible. Such expenses include household items, wear and tear on household furnishings, and the increased cost of utilities if the service is provided in the provider's home. Special equipment needed by the person receiving care, and furnished by the provider is also deductible regardless of where the service is provided. The average total expense of providing child care is \$32.00 per week per child. (If the household can document cost in excess of the applicable average amount, the actual cost can be considered).

0330.25.15 Earned Income From Roomer/Boarder

REV:01/2002

When an applicant/recipient receives income from a roomer or boarder, the amount considered as income is computed by subtracting from the amount paid the following cost of maintaining such lodger or boarder. However, if the household can document cost in excess of the amount indicated, the actual cost can be considered as follows:

Monthly Cost of Maintenance	
Roomer:	\$ 25.00
Boarder:	134.00

Board Payment for a foster child paid by the Department for Children and their Families to a RIW or MA applicant/recipient parent is disregarded.

0330.25.20 Earned Income From Real Property

REV:07/1994

When the applicant owns and lives in the rental property, the tenant's share of the following property expenses is deducted from gross rental income to determine the amount of money to be applied as net income of the applicant:

- o Mortgage, including principal and interest, taxes, insurance, water, sewer charges and special monthly assessments for sewer installation; and,
- o The cost of the tenant's heat, gas and electric if provided in the rent by the homeowner.

To determine the net income of a property owner-applicant living in a two-family dwelling, one-half (1/2) of the expenses in (a) plus the expenses in (b) are deducted from the gross rental; in a three-family dwelling, two-thirds (2/3) of the expenses in (a) plus the expenses in (b) are deducted; in a four-family dwelling, three-fourths (3/4) of the expenses in (a) plus the expenses in (b) are deducted.

When the applicant does not live in the rental property (which is within the \$1,000 Resource Limit) the income is determined by subtracting from the gross rental income the expenses of maintaining the property outlined above.

0330.30 EARNED INCOME DISREGARDS

REV:11/1998

When determining financial eligibility for all non-cash categories of family MA, the following earned income is disregarded:

- o Exclusion of Earnings of a Dependent Child

Disregard all the monthly earned income of each dependent child from the financial unit's income.

- o Work Expense Disregard

Ninety (\$90) dollars from the monthly gross income for each person employed is disregarded.

- o Dependent Care Disregard

After the work expense disregard is applied, the dependent care disregard is applied. The dependent care disregard (DHS Day Care Subsidy plus the individual's copayment) allows a disregard not to exceed \$175 per month per child age two (2) years and older or an incapacitated adult. For a child under the age of two (2) years, this disregard may not exceed \$200 per month. Payments actually made for dependent care must be verified. Consideration of the dependent

care expense is only given when the care is provided by a person not living in the child's or incapacitated adult's household.

- o \$50.00 Child Support Disregard

A \$50.00 child support disregard is applied to the gross amount of the family's total child support income from all sources.

0330.35 OTHER SOURCES OF INCOME

REV:07/1994

Income may come from many sources beyond employment. The eligibility technician needs to be aware of the possible sources of income described in the following sections.

0330.35.05 Fed/State Insurance, UCB, TDI

REV:01/2002

An applicant or recipient of MA who has worked in the past 52 weeks is required to file a claim for either Unemployment Compensation Benefits (UCB) or Temporary Disability Insurance (TDI) and advise the eligibility technician of the results. An AP-152 is used to verify the amount of or the receipt of benefits. UCB and TDI reports are funneled through InRHODES and will be reflected on the eligibility technician's daily reports.

0330.35.05.05 Unemployment Compensation Benefits (UCB)

REV:01/2002

Unemployment Compensation benefits are available to unemployed persons who satisfy certain work history and minimum earnings criteria. The individual's benefit level depends on his or her wage history. To qualify for employment security benefits, a person must be able to, and be available for, work. In addition to eligible former employees of private employers, civilian employees of the federal government, ex-servicemen and most ex-state em

A claimant is entitled to a dependent's allowance for each dependent child under the age of 18 years (or over 18, if the child is mentally or physically handicapped) up to a maximum of five (5) children.

0330.35.05.10 Temporary Disability Insurance

REV:07/1994

To be eligible for TDI benefits, a claimant must be unable to work because of illness and meet certain work history and wage requirements.

The actual number of weeks a claimant may collect benefits is based not only on work history and prior earnings, but also on the specific length of time that the claimant's physician certifies that s/he is unable to work (up to a maximum of 30 weeks in any benefit year). The benefit year is the 52 weeks following the effective date of an initial claim.

A claimant is entitled to a dependent's allowance for each dependent child, including an adopted or stepchild under the age of 18 years (or over 18 if the child is mentally or physically incapacitated) up to a maximum of five (5) children. An otherwise eligible individual who is unemployed due to sickness resulting from pregnancy is entitled to receive benefits in the same manner as any other non-work related illness.

0330.35.10 Workforce Investment Act

REV:01/2002

The Workforce Investment Act (WIA) is a program funded by the United States Department of Labor to provide employment and training programs for eligible individuals and dislocated workers.

Earned income under the auspices of a WIA program is subject to the MA income disregard provisions. Accordingly, after the appropriate disregards, income is counted in determining MA income eligibility.

Incentives are considered in the same manner as earnings.

An allowance provided by WIA is excluded if it is provided for specific goods or services not included in the RIW standard of need. For example, a transportation allowance to meet an expense resulting from participation in a WIA program is totally disregarded.

For minor participants, income derived from a WIA program is disregarded when earned by a dependent child on RIW. Such income is excluded from consideration relative to determining the family's eligibility and the amount of assistance grant for a period not to exceed six (6) months per calendar year. However, if the child is a full-time student or a part-time student but not a full-time employee, policy relative to disregard of a student's earning applies.

0330.35.15 RSDI Income

REV:07/1994

The total amount of benefits received from RSDI by a member of the assistance unit is considered as income. When a child receives RSDI, the caretaker relative does not have the option of excluding that child from the financial unit.

A person or a specific relative must have been a wage earner or a self-employed person for a certain length of time in employment covered by the Social Security Act. Referral to SSA must be made for determination of eligibility and continued MA eligibility is dependent upon acceptance of this income. Sections 0330.35.15.05 through 0330.35.15.20

are a guide for identifying those who may be eligible. Persons eligible for specific benefits are listed.

0330.35.15.05 Retirement Benefits

REV:01/2002

Retirement benefits can be paid to:

- o The insured wage earner or self-employed person who is eligible or can elect to receive actually reduced benefits at age 62. Although the Social Security Act makes this provision elective (receipt of benefits age 62), eligibility for FIP or MA benefits is dependent upon acceptance of this source of income at age 62.
- o The spouse of a retired or disabled worker who:
 - Is age 62 or over; or,
 - Has in care a child under age 16 or over age 16 and dis-abled, who is entitled to benefits on the worker's Social Security record.

A spouse is eligible, if the marriage has been in effect for one year and in some instances, less than a year. Spouses of defective ceremonial marriages entered into in good faith are also eligible.

- o The divorced spouse of a retired or disabled worker if age 62 or over and married to the worker for at least ten years.
- o The divorced spouse of a fully insured worker who has not yet filed a claim for benefits if both are age 62 or over and have been finally divorced for at least two continuous years.
- o The dependent, unmarried child of a retired or disabled worker entitled to benefits, if the child is:

Under age 18;

Age 18 or over but under a disability which began before age 22.

This includes children born of natural parents, adopted children, step-children or children born out of wedlock.

0330.35.15.10 Survivorship Benefits

REV:07/1994

Relatives of a deceased insured wage earner or self-employed person who may be eligible to receive monthly benefits include:

- o The surviving spouse, (including a surviving divorced spouse) if the widow(er) is age 60 or over;
- o The disabled surviving spouse, (including a surviving divorced spouse in some cases) if the widow(er) is age 50-59 and becomes disabled not later than seven (7) years after the worker's death, or in case of a widow(er), within seven (7) years after s/he stops getting checks as a widow(er) caring for a worker's children;
- o The surviving spouse, or surviving divorced spouse if caring for an entitled child (under age 16 or disabled) of the deceased;
- o The dependent, unmarried child of a deceased insured worker if the child is:
 - Under age 18; or,
 - Age 18 or over but under a disability which began before age 22.
- o The dependent parents of a deceased worker at age 62 or over.

0330.35.15.15 Lump Sum Death Benefits

REV:07/1994

A lump sum death benefit of \$255 is payable upon the death of an insured worker to certain relatives. This payment is made in the following order of priority:

- o To the spouse who was living in the same household with the worker at the time of death;
- o To the spouse (excluding a divorced spouse) who is eligible for a widow(er)'s benefits for the month of death;
- o To children who are eligible for benefits on the worker's record for the month of death.

0330.35.15.20 Disability Benefits

REV:07/1994

A worker who becomes severely disabled before age 65 can get disability checks. The disability must be a severe physical or mental condition which prevents employment and is expected to last (or has lasted) for at least 12 months, or is expected to result in death.

Benefits may begin as early as the 6th full month of disability and continue as long as the disability exists. If a person is severely disabled, benefits can be paid even though the person can do some work.

Dependent's benefits may be paid to certain members of a disabled worker's family as in the case of a retired worker.

0330.35.15.25 Requesting Info from Social Sec

REV:07/1994

The SSA-1610 is used for claim development, for information on pending claims or for determining information relative to the type of SSA benefit which cannot otherwise be ascertained.

The form is always sent in duplicate to the appropriate SSA district office servicing the area. The eligibility worker initiates the form by completing page 1, signing it, and entering his/her name and return address in the space provided on the reverse side.

If the claim is pending, the second copy of the SSA-1610 is used to acknowledge the referral and the original is returned with the completed information, when the claim is adjudicated. If there is no record of a claim or recent inquiry, the SSA processes the referral as a claim lead, develops the claim and arranges for a personal interview with the person, if necessary. When the claim is adjudicated, the completed form is returned to the agency. If adjudication is to be delayed more than thirty (30) days, the agency is so advised on the second copy of the SSA-1610. If the person does not contact SSA within thirty (30) days after a personal interview, the SSA office returns the original SSA-1610 to the agency with the notation that no application was filed and that SSA will take no follow-up action with the person. SSA retains the person's record in the pending file for an additional thirty (30) days to give the agency time to follow up with the person as to why s/he has not applied for benefits.

0330.35.20 Employment Pensions

REV:07/1994

Many employers provide for retirement or disability pensions for their employees under specific conditions. Among them are local governments, industrial plants, stores, and railroad and steamship companies. If an applicant/recipient has had employment of ten (10) or more years with any one employer, the possibility of eligibility for a pension exists and must be explored.

0330.35.25 Veterans Administration Benefits

REV:07/1994

All applicants and recipients who have been other than dishonorably discharged from any branch of the armed services should apply for VA benefits and/or services. An individual may be eligible as a veteran who served during wartime or specific periods of qualifying peacetime, who is disabled or non-disabled, or who has a disability that is service connected or not. Dependents and survivors of the veteran may

also be eligible. Stepchildren, if living with the stepparent, may receive an allowance based on the stepparent's benefits.

Potentially eligible individuals may be referred directly to:

Veterans Regional Office
380 Westminster Street
Providence, RI 02903
Telephone: 273-4910

If the individual questions whether there is eligibility for a specific program or benefit, or needs help in completing the application, referral may be made to:

Veterans Affairs
Metacom Avenue
Bristol, RI 02809
Telephone: 277-2488

An AP-150 is used to verify benefits for the veteran and an AP-151 is used to verify benefits for the dependent.

When payments are received under a Veterans Educational Assistance Program by recipients who are otherwise eligible for MA, consideration can be given to certain educational expenses. That part of the assistance which is the verified amount that is used for tuition, books, fees, equipment, special clothing needs and transportation for school purposes is not considered as income in the determination of income eligibility.

0330.35.30 Workers' Compensation

REV:07/1994

Under the Workers' Compensation Act, benefits are payable if an employee sustains a personal injury arising out of or in the course of employment or develops an occupational disease. The possibility of this resource should be discussed with the injured applicant/ recipient and follow-up made if this is potential income. Based on third party liability, Workers' Compensation benefits are subject to the assignment by the injured worker and receipt by DHS of Medical Assistance payments which are related to the accident, injury or illness for which a third party may be liable. (See section 0308.10.10, Cooperation Requirements).

0330.35.35 Insurance Settlement

REV:07/1994

Money received from an insurance settlement is considered as a lump sum resource. If the insurance settlement is a result of fire, flood, lightning or severe wind, and if it is used to repair or replace the property lost because of the fire, flood, lightning or severe wind, it is not considered as a resource.

0330.35.40 Money/Goods From Other Agencies

REV:07/1994

When another agency provides money or goods to an applicant or recipient on an irregular basis, it is not considered as income to be applied to the applicant unit.

0330.35.45 Relative Contribution

REV:07/1994

Regular and/or substantial contributions by relatives or friends living with or apart from the MA family is considered income. Gifts and contributions of small value and occurring infrequently for special occasions or as expressions of affection are not related to support and are not considered income.

0330.35.50 Child Support Income

REV:07/1994

For purposes of this section, child support is defined as financial support, voluntary or court ordered, paid by an absent parent on behalf of his/her natural or adopted child(ren).

The Child Support Disregard (sometimes called a bonus) is defined as a dollar amount not counted for purposes of the MA Program.

The Child Support Disregard is a disregard of up to \$50 per family total, per calendar month, collected for or received by the child and representing payment on a current monthly support obligation or a voluntary support payment. The remainder of the monthly support is counted as unearned income. (Note: That portion of a child support payment that exceeds the current monthly support obligation is not subject to disregard).

0330.35.55 Income for Individuals Pursuing an Education

REV:07/1994

Grants and loans to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education under the Higher Education Act must be totally disregarded. There are four programs of student assistance in the form of loans and grants supported by the U.S. Office of Education. These are Basic Education Opportunity Grant Program (BEOG) or Basic Grants; Supplemental Educational Opportunity Grants (SEOG); National Direct Student Loans (NDSL); and Guaranteed Student Loans.

University Year for Action is a service-learning program authorized under Title I of the Domestic Volunteer Service Act of 1973. It is a program of full-time volunteer service by students enrolled in institutions of higher education. Payments to volunteers shall not be

counted in the determination of need and amount of assistance to be paid.

0330.35.55.05 Treatment of VA Education Assistance

REV:07/1994

The Veterans Administration sponsors several different educational assistance programs. One does not have to be a veteran to qualify for assistance under some of the programs. Anyone receiving educational assistance receives an award letter indicating the amount to be received and the period of time for which it will be received.

In determining MA eligibility, that part of the VA educational assistance payment that is for the individual's dependents is counted as available income. The verified amount from the student's portion that is used for tuition, books, fees, equipment, special clothing needs, and transportation for school purposes is not considered as income.

The total amount of the approved educational expenses is deducted, up to the amount of the individual's benefit. Only the balance, if any, is entered as income.

0330.35.55.10 Fed or Non-Fed Supported Source

REV:07/1994

Individuals may receive scholarships, grants and awards from federally supported sources such as the Bureau of Indian Affairs (BIA); state sources; civic, fraternal and alumni/alumnae organizations; from relatives; or because of verified needs, achievements or a combination of such reasons. That portion of the scholarship, grant or award which is used for tuition, books, fees, equipment or transportation for school purposes is disregarded as income in the determination of MA eligibility.

0330.35.60 Sponsor Deeming

REV:01/2007

Sponsorship deeming will be implemented effective July 1, 2007.

Under deeming provisions, the income and resources of the sponsor(s) are counted as available and received, even if not in fact received, by the applicant. Income and resources of the sponsor(s) and of the sponsor's spouse (when living together) are counted when determining the income and resources of the non-citizen applicant.

Deeming applies ONLY to Lawful permanent residents (LPR) who:

- 0 Entered the U.S. or were granted LPR status on or after 12/19/97; and

0 Were sponsored by an individual or individuals (family-based immigrants and some employment based immigrants whose employer is a family owned business); and

0 Whose sponsors signed new, legally binding affidavits of support (USCIS form 1-864).

Deeming continues until the individual:

a) Attains U.S. citizenship; or

b) Can be credited with forty (40) quarters of work as defined under Title II of the Social Security Act, provided that no credit is given for any quarter after 12/31/96 in which any federal means tested benefit was received.

Deeming provisions may be waived in some circumstances. See Section 0304.05.90.

If the applicant is unable to supply a copy of the USCIS Sponsorship Affidavit, or if further verification or information is needed from USCIS, the agency representative shall offer to assist the applicant in obtaining this information directly from USCIS. USCIS Form G-639 may be sent directly to USCIS with the applicant's written permission. It is the responsibility of the applicant to provide information and documentation of the sponsor's income and resources.

Resources belonging to the sponsor(s) and/or the sponsor's spouse, if living together, which would be countable under family-related MA program provisions are deemed available to the immigrant and are a countable resource in determining MA eligibility.

The amount of income deemed from the sponsor(s) to the applicant or recipient is determined as in accordance with procedures set forth in Section 1424.60 - 1424.60.15.05 of the DHS RI Works Program Manual.